IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1311 OF 2006

Bhupatray G. Thosani ...Petitioner

Vs.

The Svadeshi Mills Co. Ltd.
and Ors. ... Respondents

WITH
WRIT PETITION NO. 1314 OF 2006
WITH
WRIT PETITION NO. 1459 OF 2006
WITH
WRIT PETITION NO. 1520 OF 2006
WITH
WRIT PETITION NO. 1555 OF 2006
WITH
WRIT PETITION NO. 1556 OF 2006
WITH
WRIT PETITION NO. 1789 OF 2006
WITH
WRIT PETITION NO. 2271 OF 2006
WITH
WRIT PETITION (L) NO. 1548 OF 2006

Mr. P.M. Patel for Petitioner.

Mr. S. Rama Kantha, Dy. Official Liquidator present.

Mr.V.Y. Sanglikar for R. No. 2.

CORAM : F.I. REBELLO &
S.R. SATHE, JJ.
DATED : SEPTEMBER 07, 2006

P.C.

. All these petitions are being disposed of by common order in view of the earlier order passed in other Petitions.

. Rule. Rule made returnable forthwith. The learned counsel appearing for the respondents waive service. By consent Petitions are taken up for hearing.

. These petitions are filed by the former employees of the Swadeshi Mills Ltd. Swadeshi Mills has gone into liquidation and Liquidator has already been appointed. By these petitions, the petitioners have raised grievance about their claim for pension, provident fund and gratuity. Our attention is drawn to the orders passed by the Division Bench in similar case i.e. Writ Petition Nos. 515 of 2002 decided on 22.4.2002 and 1351 of 2003 decided on 18.11.2003. The Official Liquidator who is present before this court stated that he will verify the claims of the Petitioners for pension, provident fund and gratuity and take appropriate steps for releasing the same in favour of the Petitioners.

. The Official Liquidator shall verify the claims of the Petitioners for provident fund and gratuity

and write to the concerned banks for releasing the amount of provident fund and gratuity directly in favour of each of the petitioner. Upon receipt of such instructions from the Official Liquidator the concerned banks shall forthwith release the amount to the petitioners as directed.

. The Official Liquidator shall furnish all details to the Petitioners as per the master policy bearing No. GA/12518 i.e. (i) Purchase Price/Subsription as per the rules, (ii) to furnish all the details in the Form of 6201-A, with all the details mentioned therein (iii) Specimen signatures with bank details of the petitioners. The Petitioners shall exercise their option relating to annuities within two weeks from the date of receipt of information from the Provisional Liquidator. The Liquidator shall then inform the Life Insurance Corporation about the option exercised by each of the Petitioner for purchasing the annuity and remit the amount in respect of each of the Petitioner to the Life Insurance Corporation.

. The Official Liquidator to release entire amount

if there are sufficient funds. If there be insufficient funds, then prorata to each of the employees entitled to. On the Official Liquidator writing to the Bank, Bank to release the said amounts to the Official Liquidator who will disburse them to the employees who are so entitled.

(S.R. SATHE,J.) **(F.I. REBELLO,J.)**